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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

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Division Director

Inspection Report

Minerals Regulatory Program

Report Date November 16, 2006

Supervisor LRZ

Mine Name: Expectation
Operator Name: Mark Miller

Permit number: M0350024
Inspection Date: October 26, 2006
Time: About 1:30-2:30 PM

Inspector(s): Paul Baker and Beth Ericksen
Other Participants: Francisco (trackhoe operator)
Mine Status: Active

Weather: Partly cloudy, 40's

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Public Safety (shafts, adits, trash, signs, highwalls)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Protection of Drainages / Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Deleterious Material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Roads (maintenance, surfacing, dust control, safety)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Concurrent Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Backfilling/Grading (trenches, pits, roads, highwalls, shafts, drill holes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Water Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Revegetation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Purpose of Inspection:

The purpose of the inspection was to look at areas that were seeded this past summer and see whether anything had germinated.

Inspection Summary:

1. Permits, Revisions, Transfer, Bonds

On November 14, 2006, the Division held an informal conference concerning notice of violation MN2006-03-10-01, and as a result, this violation will be vacated.

Cessation order MC2006-03-04-01 is still outstanding. The operator has been required to post an additional \$2000 surety to cover revegetation costs.

10. Revegetation

There are two areas I thought had been seeded. One is on the west side of the permitted area and the other is a hillside below the power lines (Photo 4). It appears only the area on the west was seeded. We saw numerous grass seedlings in this area (Photo 1), and while there is some cheatgrass, most of the grass appears to be other species, probably those that were seeded.

12. Other

While we were at the site, a trackhoe was digging next to one of the roads accessing the mine site from the north (Photos 2 and 3). We did not see any of the rock being hauled away, but it appeared to

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us that the operator was digging rock. This activity was being done outside the permitted disturbed area.

Conclusions and Recommendations:

On November 14, 2006, I discussed the bonding requirement with the operator and agreed that if all unpermitted disturbed areas could be seeded, cessation order MC2006-03-04-01 could be modified to simply require the seeding and it could then be terminated.

Because the operator was mining outside the permitted area, I issued cessation order MC2006-03-13-01 for failing to conduct operations as shown in the Notice of Intention to Commence Small Mining Operations (NOI) and for failing to maintain adequate surety. This cessation order was issued October 30, 2006.

During the meeting on November 14, we discussed the possibility of amending the NOI to include new mining areas. If the operator would complete reclamation on the existing mining areas, new areas could be added, and this would help avoid the cycle of cessation orders for mining outside the approved areas.

Inspector's Signature REBR Date: 11/17/06

PBB:pb

cc: Mark Miller, Operator
Beth Ericksen

Attachment: Photos

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ATTACHMENT

Photographs

M0350024, Expectation Mine, Mark Miller

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Photo 1. Grass seedlings in one of the regraded areas.



Photo 3. Another view of the area in Photo 2. It appeared the operator was digging rocks.



Photo 2. Trackhoe operating along a road north of the mine.



Photo 4. An area below and east of the power lines. It does not appear this area was seeded.